

REMARKS

Summary of the Office Action

Claims 1-6 and 8-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Parulski et al.* (U.S. Patent No. 5,040,068) in view of *Dalton et al.* (U.S. Patent No. 5,493,332).

Summary of the Response to the Office Action

Applicant respectfully submits that the rejection under 35 U.S.C. §103(a) is improper and therefore should be withdrawn. In addition, Applicant has added new claims 12 and 13 to differently define the invention.

Accordingly, claims 1-6 and 8-13 are pending for further consideration.

All Claims Define Allowable Subject Matter

Claims 1-6 and 8-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Parulski et al.* (U.S. Patent No. 5,040,068) in view of *Dalton et al.* (U.S. Patent No. 5,493,332).

The Office Action concedes at page 3 that *Parulski et al.* does not expressly disclose “a recording means having condition information recorded thereon,” and “a selection means for selecting optimum processing conditions.” Then, the Office Action cites to FIG. 2 of *Dalton et al.* to allege at page 4 that it would have been obvious to one of ordinary skill in the art, given *Dalton et al.*’s teaching of storing processing parameters in LUTs, to include values for each of the different kinds of cameras for color correction of the digital image signals in a LUT.

However, Applicant respectfully submits that the rejection is improper because *Dalton et al.* does not cure the deficiencies of *Parulski et al.*

Specifically, while it may be argued that *Dalton et al.* does disclose operation parameters stored in LUTs, those operation parameters as exemplified in the table in cols. 4-5 define operation characteristics of the CCD for optimizing imaging operation. They do not define image processing conditions for optimizing image processing as the ‘condition information’ of the present invention does.” Applicant respectfully submits that *Dalton et al.* neither teaches nor suggests that these operation parameters may be used to “reproduce uniform images with respect to at least one of gradation and color regardless of the kinds of digital cameras,” as recited by independent claims 1 and 6.

In addition, in the Amendment filed April 10, 2002, Applicant respectfully argued that the arrangement of *Dalton et al.* merely facilitates camera head replacement and adjustment of operating parameters for the imager once installed, and *Dalton et al.* neither teaches nor suggests recording condition information, which represents image processing conditions for the different kinds of digital cameras, the image processing conditions including values for at least one of gradation correction and color correction of the digital image signals. Thus, it cannot have a selection means as claimed.

In view of these issues, *Dalton et al.* cannot remedy the deficiencies of *Parulski et al.*

Moreover, Applicant respectfully submits that there appears to show no ground in indicating at lines 5-7 of page 4 of the Office Action that “[t]he examiner additionally notes that in producing digital color images, regardless of the imager attached (high or low resolution),

Parulski reproduces 'uniform' images."

For at least the above reasons, Applicant respectfully requests that the rejection of independent claims 1 and 6 under 35 U.S.C. § 103(a) should be withdrawn because *Parulski et al.* and *Dalton et al.*, whether taken singly or combined, do not teach or suggest each feature of independent claims 1 and 6. MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Further, Applicant respectfully asserts that rejection of dependent claim 2-5 and 8-11 under 35 U.S.C. § 103(a) should also be withdrawn at least because of their dependencies from respective independent claims 1 and 6 and for the reasons set forth above.

Newly Presented Claims

Applicant has added new claims 12 and 13 to differently describe the invention. Applicant respectfully submits that new claims 12 and 13 are allowable over the prior art of record based at least on similar reasons as those set forth above.

With no other rejection pending, Applicant respectfully asserts that claims 1-6 and 8-13 are in condition for allowance.

Conclusion

In view of the foregoing, Applicant respectfully requests the reconsideration and the timely allowance of the pending claims. Should the Examiner believe that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.R.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

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